

## **DETAILED ACTION**

### **Status of the Claims**

Claims 1-35 are pending.

### ***Specification***

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

### ***Information Disclosure Statement***

Receipt of the Information Disclosure Statement filed on 04/05/06; 06/04/09; 09/01/09; 03/01/10 and 12/07/10 respectively is acknowledged and has been entered into the file. A signed copy of each 1449 is attached herewith.

***Response to Restriction***

Applicant's election of Group I, claims 1-32 and species of compound 109 in the reply filed on 01/18/2011 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims readable on the elected species are claims 1, 5-6, 10, 31 and 32. Thus, claims 2-4, 7-9, 11-30 and 31-35 are withdrawn from further consideration by the Examiner, 37 CFR 1.1429b), as being drawn to non-elected subject matter.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 5-6, 10 and 31-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 and claims dependent therefrom recite the limitation "wherein, on the phenyl ring," on line 3 after formula 30 and repeated throughout the claims. There is insufficient antecedent basis for this limitation in the claims. Additionally, the full scope of the claims cannot be ascertained since the claims are full of brackets. Thus, it is not clear if the bracketed subject matter is part of the claims or such is being deleted. Clarification is requested.

U.S. Patent application number 20080119478 is cited to show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EBENEZER O. SACKEY whose telephone number is (571)272-0704. The examiner can normally be reached on 7.30-4.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. James O. Wilson can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/EBENEZER O SACKEY/  
Examiner, Art Unit 1624**

**/James O. Wilson/  
Supervisory Patent Examiner, AU 1624**